

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

	X	
	:	
<i>In re</i>	:	
	:	PROMESA
THE FINANCIAL OVERSIGHT AND	:	Title III
MANAGEMENT BOARD FOR PUERTO RICO,	:	
	:	
as representative of	:	Case No. 17-BK-3283 (LTS)
	:	
THE COMMONWEALTH OF PUERTO RICO,	:	(Jointly Administered)
<i>et al.</i> , <sup>1</sup>	:	
	:	
Debtors.	:	

	X	
	:	
<i>In re</i>	:	
	:	PROMESA
THE FINANCIAL OVERSIGHT AND	:	Title III
MANAGEMENT BOARD FOR PUERTO RICO,	:	
	:	
as representative of	:	Case No. 17-BK-4780 (LTS)
	:	
PUERTO RICO ELECTRIC POWER	:	
AUTHORITY (PREPA),	:	
	:	
Debtor.	:	

**FIRST SET OF DOCUMENT REQUESTS OF CORTLAND CAPITAL MARKET  
SERVICES LLC, AS ADMINISTRATIVE AGENT,  
TO FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO**

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<sup>1</sup> The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (collectively, the “Bankruptcy Rules”) and section 310 of the PROMESA, the Fuel Line Lenders hereby request that the Financial Oversight and Management Board for Puerto Rico respond to the following requests for production of documents and electronically stored information (individually, a “Document Request” and, collectively, the “Document Requests”) by November 10, 2022 and produce all responsive documents by November 14, 2022. These Document Requests are made without prejudice to, or waiver of, any right to further discovery at a later date.

## **I. DEFINITIONS**

1. “All” and “all” shall be construed as “any or all” or “each and all,” as the context requires, so that each Document Request shall be construed broadly, rather than narrowly, to bring within the scope of each Document Request all responses that might otherwise be construed to be outside its scope.

2. “And,” “and” and “or” shall be construed either disjunctively or conjunctively, as the context requires, so that each Document Request shall be construed broadly, rather than narrowly, to bring within the scope of each Document Request all responses that might otherwise be construed to be outside its scope.

3. “Communication” means every manner of communication, disclosure or exchange, and every communication, disclosure or exchange, of information, whether orally or by document, or whether face-to-face, by telephone, telegram, mail, e-mail, personal delivery, electronically, facsimile, text message, or otherwise.

4. “Document” or “documents” means documents as defined by Federal Rule of Civil Procedure 34.

5. “Entity” has the meaning given to it in 11 U.S.C. § 101(15).

6. “Including” or “including” means including without limitation.
7. “Plan of Adjustment” means a plan of adjustment for PREPA as defined by PROMESA §§ 312-314.
8. “PREPA” means the Puerto Rico Electric Power Authority and any of its successors, predecessors, subsidiaries, parents, affiliates, former or present agents, representatives or professionals and all other persons acting on their behalf, including the Financial Oversight and Management Board for Puerto Rico.
9. “Relate to,” “relate to” or “relating to” means constituting, containing, embodying, comprising, reflecting on, identifying, stating, referring to, dealing with, commenting on, responding to, describing, involving, pertaining to, concerning, or evidencing.
10. “Vitol” means Vitol S.A., Vitol, Inc., Vitol Holding Sàrl, and of their successors, predecessors, subsidiaries, parents, affiliates, former or present agents, representatives or professionals and all other persons acting on their behalf.
11. “Vitol Appeal” means the appeal docketed under Case No. 21-1987 in the United States Court of Appeals for the First Circuit.
12. “You” or “your” or any form of these words means the Financial Oversight and Management Board for Puerto Rico, as well as any of its successors, predecessors, subsidiaries, parents, affiliates, former or present agents, representatives or professionals.
13. The use of the singular form of any word includes the plural and vice versa. The feminine includes the masculine and neuter genders and vice versa. The past tense includes the present tense where the clear meaning is not distorted by the change of tense.
14. The name of any person or professional firm refers also to that person or professional firm’s successors, predecessors, subsidiaries, parents, affiliates, former or present

agents, representatives, employees or professionals, and all other persons or entities acting or purporting to act on any of their behalf.

## **II. INSTRUCTIONS**

A. Unless otherwise specified, each Document Request calls for production of documents dated from January 1, 2022 to the present.

B. These Document Requests are ongoing and continuing in nature. Any responsive documents received or identified by you after the date of your initial response must be produced pursuant to these Document Requests.

C. If an objection to any Document Request is made, such objection must be made in writing and must describe in detail the legal and factual basis for such objection, and must identify the specific Document Request and language within such Document Request to which the objection is made.

D. All documents produced shall be organized and labeled to correspond with the requests in these Document Requests or shall be produced as they are kept in the ordinary course of business.

E. All documents produced shall be produced in their entirety notwithstanding the fact that portions thereof may contain information not requested. All interim as well as final versions or drafts of the documents shall be produced, and all versions or copies that are not identical to the original or another produced copy, whether due to handwritten notations, modifications, changes, amendments, revisions, or otherwise, shall be produced.

F. For any document or other requested information no longer in existence and for which there is some record of its existence or destruction, identify the document or other information, and state how, when, and why it passed out of existence or cannot be located.

G. If any of the documents or information requested is claimed to be immune from discovery on the grounds of privilege or other exemption, then identify the purported privilege or exemption claimed, state the basis for the privilege or exemption asserted, and describe the information alleged to be privileged in detail sufficient to determine if the privilege has been properly invoked, as and to the extent required by Federal Rule of Civil Procedure 26(b)(5), made applicable by Bankruptcy Rules 7026 and 9014.

### **III. REQUESTS FOR PRODUCTION OF DOCUMENTS**

Please produce the following to the offices of Wachtell, Lipton, Rosen & Katz, 51 West 52nd Street, New York, New York 10019 or in such other manner as shall be mutually agreed:

1. Any settlement agreement by and between PREPA or the Financial Oversight and Management Board for Puerto Rico, and Vitol related to the Vitol Appeal.
2. Any agreement or understanding by and between PREPA or the Financial Oversight and Management Board for Puerto Rico and Vitol, in any way related to the terms on which Vitol would vote for or receive treatment under a Plan of Adjustment for PREPA.
3. All communications between PREPA or the Financial Oversight and Management Board for Puerto Rico, on the one hand, and Vitol on the other hand, related to the subject matter of Documents Requests 1 and 2, including draft settlement agreements or other communications exchanged relating to PREPA dismissing the Vitol Appeal, or terms on which Vitol would be treated under or vote for a Plan of Adjustment for PREPA.

Dated: November , 2022

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